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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/839,399	04/23/2001	Kazutugu Horii	Q64194	2448

7590 08/09/2004

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EXAMINER
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PHU, SANH D

ART UNIT	PAPER NUMBER
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2682

DATE MAILED: 08/09/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/839,399

Applicant(s)

HORII, KAZUTUGU

Examiner

Sanh D Phu

Art Unit

2682

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 03 June 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 3 and 7-27 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 3 and 7-27 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

**DETAILED ACTION**

1. This Office Action is responsive to the Amendment filed on 6/3/04.

***Claim Rejections – 35 USC § 112***

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claim 17 and 27 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 17 recites the limitation “the control circuit” on lines 1-2. This limitation is lack of antecedent basis.

Claim 27 recites the limitation “the second detection circuit” on lines 3-4. This limitation is lack of antecedent basis.

***Claim Rejections – 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

Art Unit: 2682

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 3 and 7–11 and 14–27 are rejected under 35 U.S.C. 102(b) as being anticipated by Martin et al (5,983,119), previously cited.

–As per claim 3, see figures 2, 3A, 3B, 7A, 7B and col. 3, line 45 to col. 5, line 20, Martin et al discloses a communication device (100) (see figure 2) comprising:

an antenna (120) (see figure 2) movably supported in the communication device;

a movement detector (122, 204) (see figures 2, 3A, 3B) for detecting a movement of said antenna in a direction substantially perpendicular to a turning axis (256) (see Fig. 7A, 7B) of the antenna; and

a selector (102) (see figure 2) for selecting information in response to the moving direction movement of said antenna based on a the movement detected result.

-As per claim 7, Martin et al discloses a second movement detector (122, 210) for detecting movement of the antenna in a direction of the turning axis of the antenna (see col. 5, lines 21-44).

-As per claims 8 and 9, Martin et al discloses that communication is carried out in response to the selection of the information by the selector (see col. 4, lines 51-54).

-As per claim 10, see figures 2, 3A, 3B, and col. 3, line 45 to col. 5, line 20, Martin et al discloses a communication device (100) (see figure 2) comprising:

an antenna (120) ; and

a detection circuit that detects a rotation of the antenna in a first direction and a second direction (122, 204), 210); and

a control circuit (102), which searches for a first type of information when the detection circuit detects that the antenna rotates in the first direction and which searches for a second type of information when the detection circuit detects that the antenna rotates in the second direction.

–As per claim 11, Martin et al discloses that the control circuit scrolls through a first list containing the first type of information when the detection circuit detects that the antenna rotates in the first direction and scrolls through a second list containing the second type of information when the detection circuit detects that the antenna rotates in the second direction (see co. 5, lines 15–20).

–As per claim 14, see figures 2, 3A, 3B, 7A, 7B and col. 3, line 45 to col. 5, line 20, Martin et al discloses communication device (see figure 2) comprising:

an antenna (120) having a longitudinal axis (256) (see figure 7A, 7B); and  
a first detection circuit (122, 204) that detects a first movement of the antenna in a first direction, wherein the first direction is substantially perpendicular to the longitudinal axis (256)(see Fig. 7A, 7B).

–As per claim 15, Martin et al discloses a control circuit (102), which performs a first operation in response to the first detection circuit detecting the first movement.

–As per claim 16, Martin et al discloses that the first detection circuit detects a second movement of the antenna in a second direction, wherein the second direction is substantially perpendicular to the longitudinal axis (see Fig. 3A, 3B, 7A, 7B).

–As per claim 17, Martin et al discloses a control circuit (102) wherein the control circuit performs the first operation in response to the first detection circuit detecting the first movement and performs a second operation in response to the second detection circuit detecting the second movement (see col. 5, lines 1–20).

–As per claim 18, Martin et al discloses a second detection circuit (122, 210) that detects whether or not the antenna is in a fully retracted position (see figures 2, 3A, 7b, and col. 7, lines 20 to col. 8, line 17).

–As per claim 19, Martin et al discloses a control circuit (102) (see figure 2) which places the communication device in an off state when the second detection circuit detects that the antenna is in the fully retracted position (see figures 2, 3A, 7b, and col. 7, lines 20 to col. 8, line 17).

-As per claim 20, Martin et al discloses a second detection circuit (122, 210) that detects whether or not the antenna is in a fully extended position (see figures 2, 3A, 7b, and col. 7, lines 20 to col. 8, line 17).

-As per claim 21, Martin et al discloses a control circuit (102) which places the communication device in an on state when the second detection circuit detects that the antenna is in the fully extended position (see figures 2, 3A, 7b, and col. 7, lines 20 to col. 8, line 17).

-As per claim 22, Martin et al discloses a third detection circuit (122, 210) that detects whether or not the antenna is in the fully extended position (see figures 2, 3A, 7b, and col. 7, lines 20 to col. 8, line 17).

-As per claim 23, Martin et al discloses a control circuit (102) which places the communication device in an on state when the third detection circuit detects that the antenna is in the fully extended position and which places the communication device in an off state when the second detection circuit detects that the antenna is in the fully retracted position (see figures 2, 3A, 7b, and col. 7, lines 20 to col. 8, line 17).



–As per claim 24, Martin et al discloses a second detection circuit (206, 204) (see figures 3A, 6A, 6B) that detects a rotation of the antenna around the longitudinal axis (256) (see col. 6, lines 13–35).

–As per claim 25, Martin et al discloses a control circuit (102), which performs a first operation in response to the first detection circuit detecting the first movement and which performs a second operation in response to the second detection circuit detecting the rotation of the antenna (see col. 4, lines 52–55, col. 5, lines 1–20 and col. 6, lines 13–35).

–As per claim 26, Martin et al a fourth detection circuit (206, 204) (see figures 3A, 6A, 6B) that detects a rotation of the antenna (see col. 6, lines 13–35).

–As per claim 27, Martin et al a control circuit (102), which performs a first operation in response to the first detection circuit detecting the first movement, which performs a second operation in response to a second detection circuit detecting that the antenna is in the fully retracted position, which performs a third operation in response to the third detection circuit detecting that the antenna is in the fully extended position, and which performs

a fourth operation in response to the fourth detection circuit detecting the rotation of the antenna (see figures 2–8B).

***Claim Rejections – 35 USC § 102/103***

6. Claims 12 and 13 are rejected under 35 U.S.C. 102(b)/103(a), as being anticipated by or unpatentable over Martin et al.

–As per claim 12, see figures 2, 3A, 3B, and col. 3, line 45 to col. 5, line 20, Martin et al discloses a communication device (see figure 2) comprising:

an antenna (120); and

a detection circuit (122, 204) that detects a rotation movement of the antenna; and

a control circuit (102), which performs a first operation in response to the detection circuit detecting that the antenna rotates at a first movement which a second operation in response to the detection circuit detecting that the antenna rotates at a second speed (see col. 4, lines 47–55 and col. 5, lines 15–20).

Correspondingly, it is inherent or has been obvious to one skilled in the art when carrying out Martin et al invention that the detection circuit would

detect the rotation speed by sensing the rotation movement so that the control circuit would performs a first operation promptly and accordingly in response to the detection circuit detecting that the antenna rotates at a first rotation speed, and performs a second operation promptly and accordingly in response to the detection circuit detecting that the antenna rotates at a second speed.

-As per claim 13, as being applied for claim 12, in Martin et al, the control circuit inherently or obviously performs the first operation when the antenna rotates in a first direction at the first speed, and wherein the control circuit performs the second operation when the antenna rotates in the first direction at the second speed.

### *Conclusion*

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH**

shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sanh D Phu whose telephone number is (703) 305-8635. The examiner can normally be reached on 8:00-16:30.

The fax phone number for the organization where this application or proceeding is assigned is (703) 746-9817.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-8635.

Sanh D. Phu Examiner Art Unit  
2682

SP

  
LEE NGUYEN  
PRIMARY EXAMINER